

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

2016 JUL 14 PM 02:19

CV-16-HA-1162-S

CHARLES BROWNU.S. DISTRICT COURT  
N.D. OF ALABAMA

Inmate Identification Number:

251543(Enter above the full name(s) of the plaintiff(s)  
in this action)

VI.

WILLIE BENNETT, CO., S. PRICE, Commissioner,ROBERT E. BUTLER, CO., CYNTHIA STEWART, WARDEN, 3800 Fountain, Atmore, AL 36503,JOHN H. HUTTON, CO., AND DIRECTOR & Agents Michael Mosley, InvestinGATION & INTELLIGENCE DIVISION, ALABAMA DEPT. OF CORRECTIONS, 301 S. Ripley St., Montgomery, AL 36103,(Enter above full name(s) of the defendant(s)  
in this action)

## I. Previous lawsuits

A. Have you begun other lawsuits in state or federal court(s) dealing with the same facts involve  
in this action or otherwise relating to your imprisonment?  
Yes ( ) No (✓)B. If your answer to (A) is "yes," describe each lawsuit in the space below. (If there is more than  
one lawsuit, describe the additional lawsuit(s) on another piece of paper, using the same outline.

## 1. Parties to this previous lawsuit:

Plaintiff(s):

N/A

Defendant(s):

N/A

2. Court (if Federal Court, name the district; if State Court, name the county)

N/A

3. Docket number

N/A

4. Name of judge to whom case was assigned

N/A

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit

N/A

7. Approximate date of disposition

N/A

II. Place of present confinement

Fountain Correctional Facility, For Alz. Dept. of Corr.

A. Is there a prisoner grievance procedure in this institution?

Yes ( ☒ )

No ( )

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure?

Yes ( ☒ )

No ( )

C. If your answer is YES:

1. What steps did you take?

Plaintiff & his mother brought this matter to the attention of D.O.C. investigation & intelligence division.

2. What was the result?

Alz. D.O.C. investigation & intelligence division failed to investigate or respond to Plaintiff Charles Brown complaint for malicious prosecution for arson.

D. If your answer is NO, explain why not?

N/A

## III. Parties

In item (A) below, place your name(s) in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of plaintiff(s) Charles Brown

Address 3800 Fountain, Atmore, AL 36503

In item (B) below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item (C) for the names, positions, and places of employment of any additional defendants.

B. Defendant John H. Hutton

is employed as Correctional Officer for Ala. Dept. of Corr. "Captain"

at 301 S. Ripley Street, Montgomery, AL 36130-301501

C. Additional Defendants S. Price, Regional Commissioner, 301 S. Ripley Street,  
Montgomery, AL 36130, Rutledge, Robert E., 301 S. Ripley Street, Montgomery,  
AL 36130, Willie Bennett, Correctional Officer, 301 S. Ripley Street, Montgomery,  
AL 36130, I R I Director, D.O.C., 301 S. Ripley Street, Montgomery, AL 36130.  
All the Above Defendants Act under Color of State Law are being Sued in their  
Individual Capacity.

## IV. Statement of Claim

State here, as briefly as possible, the FACTS of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets, if necessary.

Defendants acted in conspiracy to maliciously prosecute Plaintiff Charles  
Brown for Arson, and punitively transferred Plaintiff Charles Brown to a  
punitive segregated health hazard environment in an improper  
Jurisdiction, from Bibb County to Escambia County without due process.

of Law, or Plaintiff Brown consent, to G.K. Fountain Undisguise restricted E-Deem, and held Plaintiff Charles Brown until July 8, 2016, which is approximately (10) extra punitive arbitrary days of malicious prosecution and punishing actually innocent Plaintiff Charles Brown at the hands of all Christian officials acting under color of state law, have by conspiracy, defendants herein has intentionally, recklessly, wilfully and wantonly caused Plaintiff Brown to be deprived of his Due Process and Court Protection under the 14th Amendment of the Const. of United States of America.

#### V. RELIEF

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Plaintiff Charles Brown seek a trial by jury to be in camera reviewed, Appointment of Civil Counsel for indigent Plaintiff Brown. For Defendants Federal Acts of Conspiracy to deprive Plaintiff Brown of his 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, and 14<sup>th</sup> Amendment Rights of the United States Constitution. On the punitive basis, Plaintiff Charles Brown seek the sum of Five million Dollars \$5,000,000.00 for the unnecessary loss of Plaintiff Brown rights, and any other relief this Court deems fair. See Exhibit A Attached Hereto.

**"I declare under penalty of perjury that the foregoing is true and correct.**

Executed on 7-11-2016

x Charles Brown

Charles Brown

Signature(s)

Alabama Department of Corrections  
**DISCIPLINARY REPORT**  
 403A Warden Decision

B2-1A DISC004  
**INMATE COPY**

Incident Report Number: BCCF-16-01084

1. Inmate: BROWN, CHARLES Custody: MIN-IN AIS: 00251543  
 2. Institution: BIBB COUNTY CORRECTIONAL FAC. Disc #: BCCF-16-01084-1  
 3. The above inmate is being charged by: HUTTON, JOHN H  
 with a violation of the following Rule(s):  
 517 - Insubordination  
 From Administrative Regulation #403, which occurred on or about:  
 May 17 2016 1:10PM at Shift Office

A hearing on this charge will be held after 24 hours from being served.

4. Circumstances of the violation(s) are as follows:

On May 17, 2016 at approximately 1:10 p.m. Captain John Hutton while questioning inmate Charles Brown b/251543 about a fire that occurred in B-dorm segregation until on Sunday night. Inmate Brown stated to Captain Hutton "you got me fuck up; you are a pussy ass nigga."

05/17/2016

Date

HUTTON, JOHN H / Captain

Arresting Officer Name / Title

5. I hereby certify that on this 18th day of May, 2016, at (time) 13:15:00, I have personally served a copy of the foregoing upon the above named inmate and I have informed the inmate of his/her right to present oral or written statement at the hearing and to present written questions for the witnesses.

MELTON, CORDARO D

Serving Officer Name / Title

See Signed 403A (1-4)

Inmate's Signature / AIS Number

6. Witnesses desired?

NO:

Inmate's Signature

YES: See Signed 403A (1-4)

Inmate's Signature

7. If yes, list: BARR, CHRISTOPHER L  
 Bell, Officer  
 HUFF, JEFFERY L

8. Hearing Date: May 25, 2016 Time: 11:25:00 Place: ICS

9. Inmate must be present in Hearing Room. If he / she is not present, explain in detail on additional page and attach.

10. The Arresting Official, Inmate, and all Witnesses were sworn to tell the truth.

RUTLEDGE, ROBERT E

Hearing Officer Name / Title

11. A finding is made that the inmate is capable of representing himself / herself.

RUTLEDGE, ROBERT E

Hearing Officer Name / Title

12. Plea: BROWN, CHARLES / 00251543

Guilty

13. Arresting Official's testimony (at the hearing):

On May 17, 2016 at approximately 1:10 p.m. Captain John Hutton while questioning inmate Charles Brown b/251543 about a fire that occurred in B-dorm segregation until on Sunday night. Inmate Brown stated to Captain Hutton "you got me fuck up; you are a pussy ass nigga."

14. Inmate's testimony:

I'm guilty.

15. The inmate was allowed to submit question(s) to all witnesses. Copy of questions and answers are attached.

## Alabama Department of Corrections

## DISCIPLINARY REPORT CONTINUATION BCCF-16-01084-1

403A Warden Decision

RUTLEDGE, ROBERT E

Hearing Officer Name / Title

## 16. The following witnesses were not called:

Witness: BARR, CHRISTOPHER L  
Reason Not Called: Inmate Brown waived his witness.  
Witness: Bell, Officer  
Reason Not Called: Inmate Brown waived his witness.  
Witness: HUFF, JEFFERY L  
Reason Not Called: Inmate Brown waived his witness.

## 17. After hearing all of the testimony, the Hearing Officer makes the following findings of fact (Be Specific):

## The hearing Officer finds that:

The Hearing Officer finds that on May 17, 2016 at approximately 1:10 p.m. Captain John Hutton while questioning inmate Charles Brown b/251543 about a fire that occurred in B-down segregation until on Sunday night. Inmate Brown stated to Captain Hutton "you got me fuck up; you are a pussy ass nigga."

## 18. Basis for finding of fact:

The Hearing Officer accept inmate Brown guilty plea.

19. Hearing Officer's decision: ☒ Guilty ☐ Not Guilty ☐ Recommend for reinitiation

## 20. Hearing Officer's recommendation of sanction(s) to be taken against this inmate:

☐ Counseling / Warning

☒ Extra Duty for 45 days at 24 hours per day under supervision in the behavior modification dorm Shift, as of 06/11/2016

☐ Loss of Outside privileges for \_\_\_\_ days

## Community Based Institutions Only:

☒ Loss of Canteen privileges for 10 days, as of 05/27/2016

☐ Draw cut to \_\_\_\_ (min \$25) for \_\_\_\_ days

☒ Loss of Telephone privileges for 10 days, as of 05/27/2016

☐ Restriction / State Whites for \_\_\_\_ days

☒ Loss of Visiting privileges for 10 days, as of 05/27/2016

☐ Loss of Passes for \_\_\_\_ days

☐ Removal from Hobby Craft

☐ Return to Inmate Staff for \_\_\_\_ days

☐ Loss of Good Time \_\_\_\_ Yrs \_\_\_\_ Mos \_\_\_\_ Dys

☒ Disciplinary Seg for 21 days

☐ Recommend Custody Review

☐ Recommend Job Change

☐ Financial Compensation \_\_\_\_\_

RUTLEDGE, ROBERT E  
Hearing Officer Name / Title

21. Warden's Action - Date: 05/26/2016

Approved Willie Bennett

Disapproved

Other (specify)



Alabama Department of Corrections

DISC004

DISCIPLINARY REPORT CONTINUATION BCCF-16-01084-1

403A Warden Decision

22. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above named Inmate on this the 21 day of May, 20 16 at (time) 10:22 (am pm).

23. Cubur Mill  
Serving Officer Name / Title

refuse to sign Cubur Mill  
Inmate's Signature / AIS Number

Distribution: Original to Central Records Division  
Copy to: 1 & 1 (If Federal or State law violated)  
Inmate Institutional File  
Board of Pardons and Parole  
Sentencing Judge (if applicable)

## Question for the Arresting Officer

1. Lt. Waver - Following the 403 manual  
Were you sworn in? Yes or NO
2. Line 3 of disciplinary 403 A. Did  
you state the incident occurred in  
B- Dorm Seg. Unit? Yes or NO
3. When the incident occurred?  
What was my Bed assignment?
4. Do video surveillance show incident  
occurring in B- Dorm Seg. Unit? Yes or NO
5. Was Bed Assignment B2-1A Housed?  
Yes or NO
6. Do video surveillance see inside the  
cell? Yes or NO
7. Do video surveillance show inmate  
Charles Brown 251543. According to Line  
4 of disciplinary starting a Fire?  
Yes or NO



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA

2016 JUL 14 AM 21  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

CHARLES BROWN, #251543,  
Plaintiff,

CV-16-HA-1162-S

VS.

CIVIL ACTION NO. : \_\_\_\_\_  
(To Be Supplied by Clerk)

S. PRICE, ASST. COMMISSSEONER,  
et al.,

Defendants.

JUDICIAL NOTICE

Comes now the Plaintiff Charles Brown, by and through pro se in the above styled Civil Action hereby move the U. S. District Court to take Judicial Notice that the Defendants herein is not providing Plaintiff Charles Brown with the proper forms and legal material for proper access to the Courts as ordered by the Supreme Court of the United States. See the First Amendment Right of the United States, Bounds V. Smith, supra held by the U. S. Supreme Court at the same point at law. The Plaintiff Brown not being an Attorney seek standards of review as held in Haines VS. Kerner, supra held by the U. S. Supreme Court at the same point at law.

DATE: 7-11-2016

/s/ Charles Brown

Charles Brown, pro se Plaintiff

cc: Filed.